

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1275 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

PANCHA BHIKABHAI

Versus

STATE OF GUJARAT

Appearance:

MR SV RAJU for Petitioners

Ms. Katha Gajjar GOVT PLEADER for Respondent No. 1, 2

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 04/04/2000

ORAL JUDGEMENT

None appear for the petitioners. I have heard
learned AGP Ms. Gajjar on behalf of the respondents.
The petitioners filed the present petition for quashing
and setting aside the orders passed by District

Collector, Junagadh, respondent no.2 herein, on 2-3-1985, and Annexure-F the order passed by the Addl. Chief Secretary, Revenue department dated 13-6-1989 setting aside the auction sale of certain lands. Learned AGP submitted that the auction of the disputed land has been made by the authority who is not competent to sell Government land on auction. Further it is submitted by learned AGP that the sale was approved by Taluka Development Officer, who has no authority to approve any auction sale of the Government land. When these irregularities were brought to the notice of the Government, the Collector, after hearing the parties, cancelled the auction sale by order dated 2-3-1985 at Annexure-D and on appeal the Addl. Chief Secretary, Revenue department confirmed the cancellation order of auction sale by his order dated 30-6-1989 at Annexure-F. When the auction sale has been made by an authority not competent to make auction of the Government land, I am of the view that the Government is competent to cancel such auction sale. Accordingly, I do not find any merit in the petition. The petition is accordingly dismissed. Rule discharged. Interim relief if any stands vacated. I make no order as to costs.

DT: 4-4-2999

(P.K. Sarkar, J)

/vgn.